

PATENT APPLICATION
CS8772
BCS03-3031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
RALF DUNKEL ET AL) ART UNIT: 4121
SERIAL NO.: 10/576,060) EXAMINER: ALICIA OTTON
FILED: AUGUST 28, 2006) CONFIRMATION NO.: 2152
TITLE: ISOPENTYL CARBOXANILIDES)
FOR COMBATING UNDESIRED)
MICRO-ORGANISMS)

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Peter Dahmen, of Altebrücker Str. 61, 41470 Neuss, Germany, a citizen of Germany, hereby declare:

1. I am a biologist having studied at the University of Bonn, Germany, where I received the degree of Dr. agr.; I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1991, where I have been employed in the department of Biology Herbicides and after the spin-off from Bayer CropScience AG I am now employee of this company in the department of Global Biology Fungicides; and I specialize in the field of fungicide research.
2. I am familiar with the subject matter of the above-identified United States patent application.
3. The following tests have been carried out under my supervision and control.

Example *Fusarium nivale* (var. *majus*) test (wheat) / preventive

Solvent: 49 parts by weight of N,N-dimethylacetamide

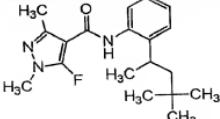
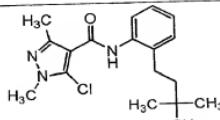
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound or active compound combination is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for preventive activity, young plants are sprayed with the preparation of active compound or active compound combination at the stated rate of application. After the spray coating has dried, the plants are slightly injured by using a sandblast and afterwards they are sprayed with a conidia suspension of *Fusarium nivale* (var. *majus*). The plants are then placed in the greenhouse under a translucent incubation cabinet at a temperature of approximately 10°C and a relative atmospheric humidity of approximately 100%.

The test is evaluated 5 days after the inoculation. Test results are shown in the following Table. 0% means an efficacy which corresponds to that of the untreated control, while an efficacy of 100% means that no disease is observed.

Table: *Fusarium nivale* (var. *majus*) test (wheat) / preventive

Active compound	Rate of application of active compound in ppm	Efficacy in %
Comparison compound: Example 1 of WO 03/010149 	1000	43
Inventive compound of S/N 10/576,060 	1000	100

4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Further Declarant Sayeth Not.

Signed at Monheim, Germany, this 14. day of July, 2010.



PETER DAHΜΕΝ